

### **REMARKS**

This Application has been carefully reviewed in light of the Office Action mailed August 25, 2004. At the time of the Office Action, Claims 1-30 were pending in this Application. Claims 1-30 were rejected. Claims 1, 4, 9, 12, 21, and 27 have been amended to further define various features of Applicants' invention. Claims 16 and 17 have been cancelled without prejudice or disclaimer. Applicants respectfully request reconsideration and favorable action in this case.

#### **Preferred Format**

Applicants note the Examiners request to include line numbering in the claims, and have numbered the claims presented in the current listing of claims.

#### **Objection to the Specification**

The Examiner objected to the specification because of informalities and grammar errors, specifically a reference to "System 100," which was not labeled in Figure 1 of the specification. To overcome the Examiner's objection, Figure 1 has been amended to include a label for "System 100." A replacement sheet including this change is provided in the attached Appendix.

#### **Rejections under 35 U.S.C. §112**

Claims 4, 9 and 27 were rejected by the Examiner under 35 U.S.C. §112, second paragraph, as being indefinite and failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants have amended Claims 4, 9, and 27 to overcome these rejections and respectfully request allowance of Claims 4, 9, and 27 as amended.

#### **Rejections under 35 U.S.C. §102**

Claims 21, 24, 27-28, and 30 were rejected by the Examiner under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 6,462,644 issued to Thomas P. Howell et al. ("Howell").

*Claims 21, 24 and 27*

In rejecting Claim 21, the Examiner asserted that Howell teaches restructuring selected records according to a template at col. 8, lines 14-24. Applicants respectfully submit that the cited portions of Howell do not disclose restructuring records according to a template. In the interest of advancing prosecution, however, Applicants have amended Claim 21 to recite, generally, “restructuring the selected records at the remote device according to a template...”[emphasis added]

The cited portions of Howell, e.g.. col. 8, lines 14-24, disclose that “the data warehouse 214 relabels the recent DEX file...[and] reconstructs a full recent DEX file 506...” Applicants submit that relabeling and reconstructing a file at the data warehouse does not teach or suggest restructuring records at a remote device, as recited generally in amended Claim 21. Furthermore, Howell does not disclose a template, much less a template used to restructure records at the remote device.

Finally, Claim 21 includes elements relating to restructuring selected records and calculating a delta between the restructured records and a stored set of records. Even though Howell may calculate a delta (Howell, col. 8, lines 10-13), Howell does not calculate a delta between restructured records and a stored set of records.

Applicants submit, therefore, that Howell does not teach or suggest each and every element of Claim 21, and that Claim 21 is allowable for at least this reason. Inasmuch as Claims 24 and 27 depend from allowable independent Claim 21, Claims 24 and 27 are also allowable. Applicants, therefore, respectfully request the Examiner to withdraw his rejections, and allow claims 21, 24 and 27.

*Claims 28 and 30*

In rejecting Claim 28, the Examiner asserts that Howell discloses a remote device operable to restructure selected records according to a template, and to calculate a delta based on the restructured records and a stored set of records. (See item 5, p. 4 of Official Action). Applicants respectfully submit that Howell does not disclose restructuring selected records according to a template. Neither does Howell disclose calculating a delta based on these restructured records.

For at least these reasons, Applicants submit that Claim 28 is allowable, which allowance is respectfully requested. Inasmuch as Claim 30 depends from allowable independent Claim 28, Claim 30 is also allowable. Applicants, therefore, respectfully request the Examiner to withdraw his rejections, and to allow claims 28 and 30 to issue.

**Rejections under 35 U.S.C. §103 over Howell**

Claims 22-23, and 29 were rejected under 35 U.S.C. §103(a) as being unpatentable over Howell.

Inasmuch as Claims 22-23 depend from allowable independent Claim 21, and Claim 29 depends from allowable independent Claim 28, Claims 22-23 and 29 are themselves allowable, which allowance is respectfully requested.

**Rejections under 35 U.S.C. §103 over Howell in view of Ciccone**

Claims 1-20 and 25-26 were rejected under 35 U.S.C. §103(a) as being unpatentable over Howell in view of U.S. Patent 6,338,149 issued to Lawrence T. Ciccone, Jr. et al. (“Ciccone”).

*Claims 1-11*

In rejecting Claim 1, the Examiner asserts that Howell teaches an “invention substantially as claimed for communicating information between a network operations center and a remote device comprising...restructuring the selected records according to a template (col. 8, lines 14-24); and transmitting the restructured records to the network operations center (col. 7, lines 51-56; col. 8, lines 37-45).” Applicants respectfully submit that the cited portions of Howell do not disclose restructuring selected records according to a template. In the interest of advancing prosecution, however, Applicants have amended Claim 1 to recite, generally, “restructuring, at the remote device, the selected records according to a template...”[emphasis added]

Howell (col. 8, lines 14-24) states, “the data warehouse 214 relabels the recent DEX file...[and] reconstructs a full recent DEX file 506...” Applicants submit that relabeling and reconstructing a file at the data warehouse does not teach or suggest restructuring records at a remote device, as recited generally in Claim 21. Furthermore, Howell does not disclose a

template, much less restructuring selected records according to a template at the remote device. Consequently, the combination of Howell and Ciccone does not teach or suggest, alone or in combination, all elements of Claim 1, as required to support a rejection under 35 U.S.C. §103(a).

Inasmuch as Claims 2-11 depend from allowable independent Claim 1, Claims 2-11 are themselves allowable, which allowance is respectfully requested.

*Claims 12-19*

In response to the Examiner's rejection, Claim 12 has been amended to recite, generally, "A method for communicating data between a network operations center and a remote device comprising...establishing a current state for the at least one remote device by selecting records from a data block at the remote device indicative of the current state of the remote device; [and] restructuring the selected records based upon a template to establish the current state of the remote device..." Claims 16-17 have been cancelled, because Claim 12 has been amended to included the subject matter formerly included in these claims.

Applicants respectfully submit that Howell does not disclose establishing a current state for a remote device by selecting records indicative of the current state of the remote device. Nor does Howell disclose restructuring selected records according to a template. Applicants submit , therefore, that the combination of Howell and Ciccone does not teach or suggest, alone or in combination, all elements of Claim 12, as required to support a rejection under 35 U.S.C. §103(a).

For at least this reason, Applicants submit that Claim 12 is allowable, which allowance is respectfully requested. Inasmuch as Claims 13-15 and 18-19 depend from allowable independent Claim 12, Claims 13-15 and 18-19 are themselves allowable. Applicants, therefore, respectfully request the Examiner to withdraw his rejections, and to allow claims 12-15 and 18-19 to issue.

*Claim 20*

Claim 20 recites, generally, "A system for acquiring data at a remote device and communicating information between a network operations center and the remote device comprising...the remote device operable to restructure the selected records according to the

template..." Applicants submit that Howell does not disclose a remote device operable to restructure selected records, much less operable to restructure records according to a template. Consequently, the combination of Howell and Ciccone does not teach or suggest, alone or in combination, all elements of Claim 20, as required to support a rejection under 35 U.S.C. §103(a). Applicants, therefore, respectfully request the Examiner to withdraw the rejections of Claim 20.

*Claims 25-26*

Inasmuch as Claims 25-26 depend from allowable independent Claim 21, Claims 25-26 are themselves allowable, which allowance is respectfully requested.

**Petition for Extension of Time**

Applicants enclose a Petition for Three-Month Extension of Time along with a check in the amount of \$510.00 for the required filing fee.

**Information Disclosure Statement**

Applicants would like to bring to the Examiner's attention that Applicants filed an Information Disclosure Statement on May 11, 2001, June 7, 2002, February 12, 2003, June 9, 2003, January 5, 2004, May 28, 2004 and August 25, 2004 (collectively, the "Information Disclosure Statements"). Applicants respectfully request that the Information Disclosure Statements be considered and cited in the examination of the above-referenced application. Applicants attach a copy of the Information Disclosure Statements for the Examiner's convenience and a copy of the postcard receipt for each evidencing receipt by the Patent Office.

Applicants also enclose a new Information Disclosure Statement and PTO Form 1449, along with a check in the amount of \$180.00, for the Examiner's review and consideration.

**Change of Correspondence Address**

Applicants respectfully request that all papers pertaining to the above-captioned patent application be directed to Customer No. 31625 and all telephone calls should be directed to Edward J. Marshall at 512.322.2545. Applicants also enclose a Change of Correspondence Address for the U.S. Patent and Trademark Office's records.

**CONCLUSION**

Applicants have now made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of Claims 1-15 and 18-30 as amended.

Applicants believe there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees to Deposit Account No. 50-2148 of Baker Botts L.L.P. in order to effectuate this filing.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2545.

Respectfully submitted,

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**SEND CORRESPONDENCE TO:**

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Date: January 31, 2005